

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Randall Olson,

Civil No. 15-1493 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

United States of America and Peter Revier,

Defendants.

This matter is before the Court on Plaintiff's objections to United States Magistrate Judge Leo I. Brisbois's July 8, 2015 Report and Recommendation insofar as it recommends that Defendant the United States of America's (the "United States") Motion to Dismiss be granted, the present case as alleged against the United States be dismissed without prejudice, and the remaining state tort law claims against Defendant Peter Revier be remanded. (Doc. No. 30.) Plaintiff objected to the Report and Recommendation. (Doc. No. 31.) The United States responded to Plaintiff's objection. (Doc. No. 33.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference.

In the Report and Recommendation, the Magistrate Judge recommended that the United State's Motion to Dismiss be granted, explaining that Plaintiff did not exhaust his administrative remedies prior to filing the present action and, therefore, the Court did not

have jurisdiction over Plaintiff's claims against the United States. (Doc. No. 30 at 6-7.)

In his objections, Plaintiff does not address the failure to exhaust administrative remedies.

Having carefully reviewed the record, the Court concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation. Based upon the *de novo* review of the record and all arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Magistrate Judge Leo I. Brisbois's July 8, 2015 Report and Recommendation (Doc. No. [30]) is **ADOPTED**.
2. Defendant the United States of America's Motion to Dismiss (Doc. No. [10]) is **GRANTED**.
3. The present case as alleged against the United States of America is **DISMISSED WITHOUT PREJUDICE**.
4. Plaintiff's remaining state tort law claims as alleged against Defendant Peter Revier are **REMANDED** to the Norman County Conciliation Court.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 2, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge